

Attachment to Independent Case Review Report  
For CDRU # 846 Case file # 95-289507.

Material Examiner Malone (RO)

Remarks:

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CRM - 14285

## INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSON

Area(s) of Expertise: HAIR AND FIBERS

Review commenced at: 10:30A (Time), 9/14/99 (Date)

File #: 95-289507

Laboratory #(s): 90817016

90821070

### Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<u>YC</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MAWNE

Testimony Date(s): UNKNOWN Pages: 322-358

### Laboratory Report(s):

Laboratory Number: 90817016 90821070 Date: DEC 13, 1989

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: RQ AND UNKNOWN TECHNICIAN

Laboratory Number: 90817016

Laboratory Number: 90821070

Laboratory Number: \_\_\_\_\_

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Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material: SUBMITTING AGENCY LETTERS DATED

AUG 14 AND AUG 17, 1989.

### Results of Review

File #: 95-289507

Item or Specimen # Reviewed: Q8-Q35, Q44,

K3, K4

### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
☐ Yes ☒ No ☐ Unable to Determine

### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☒ Yes ☐ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☒ Yes ☐ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☐ Yes ☒ No ☐ Unable to Determine

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Initials SMM

## Comments

(Set forth by above question #, if applicable.

Use "Additional Comments" Sheet, if needed)

#1. THE DOCUMENTATION IS INSUFFICIENT TO DETERMINE IF THE TESTS WERE PERFORMED IN A SCIENTIFICALLY ACCEPTABLE MANNER.

#2. THE RESULTS ARE NOT ADEQUATELY DOCUMENTED IN THE NOTES. THE NOTES ARE NOT DATED, SOME ARE IN PENCIL AND DO NOT INDICATE THE NUMBER OF HAIR RECOVERED OR AVAILABLE FOR COMPARISON. THE TECHNICIAN DOES NOT DOCUMENT THAT HAIR WAS RECOVERED FROM THE Q ITEMS.

CONFIRMATION OF THE HAIR COMPARISON WAS APPARENTLY OBTAINED FROM ANOTHER QUALIFIED(?) EXAMINER, BUT THE CONFIRMATION SHEET DOES NOT SPECIFY WHICH 2 SPECIMENS WERE EXAMINED, WHEN THEY WERE EXAMINED OR IF THE

Review completed at: 12:00P (Time), 9/14/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1 1/2 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts  
(Signature)

9-14-99  
(Date)

Additional Comments  
(Set forth by question #, if applicable)

File #: 95-289507

SECOND EXAMINER AGREED WITH THE COMPARISON.

NO DOCUMENTATION COULD BE FOUND IN THE FILE  
CONCERNING THE DISCONTINUANCE OF LAB EXAMINATIONS  
ON THE BLOOD/SEMEN OR LATENT PRINT EVIDENCE AS  
REPORTED IN THE LAB REPORT

#5. MALONE TESTIFIED THAT, BASED ON HIS EXPERIENCE, THERE IS  
ONLY A 1 IN 5,000 CHANCE THAT THE Q19 HAIR COULD BE  
SOMEBODY ELSE'S BESIDES THE VICTIM (p. 345). THE DEFENSE  
PROPERLY OBJECTED AND THE COURT SUSTAINED.

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